



**MINUTES OF THE
RULES AND OPEN GOVERNMENT COMMITTEE**

SAN JOSE, CALIFORNIA

WEDNESDAY, DECEMBER 3, 2014

The Rules and Open Government Committee of the City of San José convened in Regular Session at 2:01 p.m. in the Committee Rooms 118-120, Council Wing, City Hall.

PRESENT: Vice Mayor Madison Nguyen, Councilmember Pete Constant, and Councilmember Pierluigi Oliverio.

ABSENT: Mayor Chuck Reed.

STAFF: City Manager Ed Shikada, City Attorney Richard Doyle, Mayor's Agenda Assistant Ahmad Chapman, Agenda Services Manager Gloria Schmanek, and Deputy City Clerk Suzanne Guzzetta.

CITY COUNCIL (CITY CLERK)

- (1) Review December 9, 2014 Final Agenda**
- a. Add New Items to Final Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: David Wall offered comments on Items 10.2 and 11.1.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the agenda including the following sunshine waivers, additions, and changes: sunshine waivers for Items 2.16 and 10.4, Closed Session to be heard at 9:00 a.m., Item 3.5 to be heard no earlier than 3:00 p.m., Item 11.4 to be heard first after consent in the evening with Item 5.1 being heard immediately afterward. (3-0-1. Absent: Reed.)

- (2) Review December 16, 2014 Draft Agenda**
- a. Add New Items to Draft Agenda
 - b. Assign "Time Certain" to Agenda Items (if needed)
 - c. Review of Items that Meet Exception Rule (if needed)

Public Comment: Martha O'Connell voiced concerns related to Item 2.2.
David Wall offered advice regarding Items 4.2 and 4.4

CITY COUNCIL (CITY CLERK)

- (2) Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee approved the agenda. (3-0-1. Absent: Reed.)

REVIEW OF UPCOMING STUDY SESSION AGENDA(S)

None.

LEGISLATIVE UPDATE

- (1) State – None.
- (2) Federal – None.

MEETING SCHEDULE

- (1) City Council Meeting and Study Session Schedule for January – June 2015. (City Manager)
- a. Approve the City Council Meeting Schedule for the period January-June 2015;
and
- b. Approve the Study Session Schedule for the period January-April 2015.

Documents Filed: Memorandum from Agenda Services Manager Gloria Schmanek to the Rules and Open Government Committee, dated November 24, 2014, transmitting the City Council Meeting Schedule and Study Session Schedule for January – June 2015.

Action: Upon motion by Councilmember Oliverio, seconded by Councilmember Constant and carried unanimously, the committee deferred the recommendation to the December 10, 2014 Rules and Open Government Committee for consideration. (3-0-1. Absent: Reed.)

THE PUBLIC RECORD

Documents Filed: Memorandum from City Clerk Toni J. Taber transmitting the Public Record for the Week of November 14 – 25, 2014.

Public Comment: David Wall pulled Items (1) and (3) and offered comments.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously and carried unanimously, the public record was noted and filed. (3-0-1. Absent: Reed.)

BOARDS, COMMISSIONS AND COMMITTEES

- (1) Appointments – None.
- (2) Work Plans – None.
- (3) Annual Reports – None.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (1) Workload Assessment for Council Requests and Referrals. – None.
- (2) **Public Calendars. (City Manager)**
 - a. Accept the report on posting of public calendars by City officials on the City’s website; and
 - b. Approve the modification of the bi-annual reporting requirements to identify the reporting period as January – June and July through December periods with the report to be filed with the ROGC within a month following the close of the reporting period.

Documents Filed: Memorandum from Director of Communications David Vossbrink to the Rules and Open Government Committee, dated November 25, 2014, entitled, “Public Calendars.”

Public Comment: David Wall opined on the time required to maintain calendars.

Director of Communications David Vossbrink provided background and answered questions from the Committee.

The Committee expressed concerns that the calendar compliance attachment was difficult to read and should be reorganized by Council District and Council Appointee.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the Committee deferred consideration for one week to December 10, 2014 and directed staff to return with updated Council Calendar compliance attachment by District. (3-0-1. Absent: Reed.)

- (3) **31st Street Easement (Land Acquisition). (Campos)**

Agendize for consideration by the full City Council the request to approve the acquisition by the City of San José the 1.5 acre parcel that sits along the 101 Highway in Council District 5.

Documents Filed: Memorandum from Councilmember Xavier Campos to the Rules and Open Government Committee, dated November 19, 2014, entitled, “31st Street Easement (Land Acquisition).”

Councilmember Campos provided background and was available to answer questions from the Committee.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (3) Public Comment: David Wall expressed support for the recommendation

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the December 16, 2014 for final approval. (3-0-1. Absent: Reed.)

- (4) **Approval of 2 Community Events Sponsored by Council District 4. (Chu)**

- a. Approve two (2) community event sponsored by Council District 4 as City-sponsored Special Events and approve the expenditure of funds:
 1. Kung Fu Tai chi Day on May 17, 2015; and
 2. 10th Annual Santos Family Car Show on Saturday, September 3, 2015.
- b. Approve and accept donations from various individuals, businesses, or community groups to support the event.
- c. Place the item on the December 16, 2014 Council Agenda for action.

Documents Filed: Memorandum from Councilmember Kansen Chu to the Rules and Open Government Committee, dated November 20, 2014, entitled, "Approval of 2 Community Events as City Council Sponsored Special Events to expend City funds and accept donations of materials and services for the Event."

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the committee deferred the recommendation to December 10, 2014 for consideration. (3-0-1. Absent: Reed.)

- (5) **Approval of District 10 Council Office Grant to Castellero Middle School PTA. (Khamis)**

Recommend the City Council approve a grant of \$479.27 to the Andres Castellero Middle School PTA, an IRS-recognized 501(c)(3) in good standing with the IRS and the California Secretary of State, to be paid from the District 10 Council Office Budget.

Documents Filed: Memorandum from Councilmember Johnny Khamis to the Rules and Open Government Committee, dated November 19, 2014, entitled, "Approval of District 10 Council Office Grant to Castellero Middle School PTA."

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the recommendation was approved and placed on the December 16, 2014 City Council Agenda for action. (3-0-1. Absent: Reed.)

- (6) **Support for Immigrant Services. (Nguyen/Liccardo/Khamis)**

Direct the City Manager to return to the Neighborhood Services & Education Committee, and— through the mid-year budget process—to Council, to create a plan to address the imminent flood of inquiries from thousands of our residents who might qualify for relief from deportation under President Barack Obama's recent Executive Action, and under the Deferred Action for Childhood Arrivals (DACA).

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- (6) Specifically, the City Manager should assess the resources required to perform several specific tasks critical to ensuring that otherwise law-abiding undocumented immigrants in our city can fully benefit from the Obama Administration's recent actions. In consultation with key partners, including the Santa Clara County Office of Human Relations, the South Bay Immigration Services Network, SIREN, and other non-profit organizations serving immigrants in our community, we should assess whether our network of existing non-profits already addresses the impending need, and what, if any, role the City should play in such tasks as:
- a. Referring residents to competent legal service organizations and U.S. government offices where they can obtain critical services and additional information.
 - b. Tracking and making public the identity of those organizations and individuals exploiting vulnerable immigrants seeking legal services, to warn residents against the use of those specific providers.
 - c. Proactively performing outreach in many immigrant communities to ensure that families can take full advantage of the programs under the Executive Action or DACA.
 - d. Assessing whether we are taking full advantage of available grant funding from federal sources or foundations to better serve our immigrant communities through City processes, such as by assistant immigrant-led businesses in navigating city permit processes, or ensuring that adults have access to ESL and literacy programs through our libraries.

Any funding needs should be raised and discussed during the Council's mid-year budget process in February.

Documents Filed: Memorandum from Vice Mayor Madison Nguyen, Councilmember Sam Liccardo, and Councilmember Johnny Khamis to the Rules and Open Government Committee, dated November 25, 2014, entitled, "Support for Immigrant Services."

Public Comment: David Wall and Martha O'Connell spoke in opposition to the recommendation.

Action: No action taken.

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS/WORKPLANS

- (1) Community and Economic Development Committee – None.
- (2) Neighborhood Services and Education Committee – None.
- (3) Transportation and Environment Committee – None.
- (4) Public Safety, Finance and Strategic Support Committee – None.
- (5) Rules and Open Government Committee – None.

OPEN GOVERNMENT

- (1) Appeals of Public Records Act Request
 - a. Mike Katz-Lacabe

Documents Filed: 1) Memorandum from Director of Communications David Vossbrink to the Rules and Open Government Committee, dated November 25, 2014, entitled, "Public Records Appeal – Katz-Lacabe"; 2) Letter from Mike Katz-Lacabe to the San Jose Rules and Open Government Committee dated December 2, 2014.

Public Records Manager Tamara Becker was available to answer questions from the Committee.

Appellant Mike Katz-Lacabe provided background and answered questions from the Committee.

Action: Upon motion by Councilmember Constant, seconded by Councilmember Oliverio and carried unanimously, the denial was upheld. (3-0-1. Absent: Reed.)

OPEN FORUM

Documents Filed: Letter from Betty Sakai to the Mayor and San Jose City Council, dated December 3, 2014, relating to immigration.

Grace Hilliard spoke regarding homeless issues.

Robert Aguirre voiced concerns related to homeless issues and urged the Committee to consider an emergency resolution to declare an emergency campground.

Phil Mastrocola addressed homeless issues.

David Wall opined on housing issues.

Andrew Bigelow, Silicon Valley De-Bug, spoke regarding homeless issues.

Betty Sakai submitted a binder and read from a letter to Mayor and Council related to immigration.

ADJOURNMENT

The meeting adjourned at 2:49 p.m.



Mayor Chuck Reed
Rules and Open Government Committee

CR:slg